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## PROPERTY AND EVIDENCE CONTROL

### 84.1 ADMINISTRATION AND OPERATIONS

**PHILOSOPHY:** Storing, safekeeping, and managing the property and evidence that comes into the custody of the Federal Way Police Department is a major responsibility not only for the Evidence Custodian, but also for the entire agency and all those who come into temporary contact with the material. The volume of property and evidence received by the Evidence Custodian mandates the adherence to strict practices in order to ensure accountability within the Police Department, and with the judicial system and general public.

#### 84.1.1 Property Control Practices

**Principle:** The taking of personal property, regardless of the reason, may be questioned by a variety of interested parties including the property owners, criminal justice attorneys, and/or agencies created to govern police practices. It is important that the Federal Way Police Department be able to rely on the integrity of its property control practices and provide impeccable professionalism in this area. The practices described in this standard are meant to insure the expectations in the control of property.

**Practices:**

- A. **Recording Items:** All property/evidence that comes into a Police Department employee's custody shall be recorded by direct-entry into Spillman via the Property screen as soon as possible and always prior to the property/evidence being submitted into Property/Evidence.
- B. **Submitting Items:** No property that comes into a Police Department employee's custody may be used for personal use. All property/evidence that comes into an employee's custody and that will not be released to the proper owner by the end of the work shift shall be properly packaged and placed in a Property/Evidence locker as soon as possible and ***in all instances*** prior to the end of the employee's shift. Employees are prohibited from storing evidence or other found, seized, or safekeeping property in their desks, lockers, vehicles, homes, or any other location.
  - 1. Property/Evidence Submission: This information will be direct entered into Spillman electronically via the Property screen.
  - 2. Evidence for Processing: When an officer submits any evidence that will require processing (i.e., for latent fingerprints, blood, etc.) they will either process the evidence themselves or refer the evidence to the appropriate lab for processing. If an officer chooses to process the item(s) they shall use the laboratory facility located inside the Property/Evidence Building which provides the appropriate resources to accomplish this task. Officers that use the laboratory will be responsible for cleaning up the facility once they are done.
    - a. The officer or detective that will be following through with the entire investigation will be responsible for submitting an item(s) to a laboratory for additional processing (see *also* MOS 83.3.2(C) *Documentation*).
  - 3. eTrace: All evidentiary and found firearms submitted to Property/Evidence shall be entered into eTrace by the Property/Evidence Custodian or his/her designee. The Property/Evidence Custodian (or his/her designee) will perform all functions associated with eTrace including updating information, running reports, tracking results, searches or other tasks, as needed. The eTrace program is maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and is accessed online via their website.

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09-14-12

03-01-05

08-23-16

- a. Other individuals (e.g. detectives, etc.) may be given access to eTrace and have the ability to perform searches and other functions, as needed. Primary responsibility for both entering the information and providing results will lie with the Property/Evidence Custodian.
- C. **Report:** The narrative portion of the case report shall include information detailing the circumstance by which the property/evidence came into the employee's possession.
- D. **Packaging and Labeling:** The employee submitting the property/evidence shares a substantial amount of responsibility for managing the integrity of property/evidence. Correct packaging, recording, and labeling substantially reduces the possibility of property/evidence becoming lost, stolen, misappropriated, or damaged. Therefore the following practices shall apply:
  - 1. General Requirements - Packaging: Whenever the employee is submitting property/evidence, all items shall be packaged and labeled in such a manner to meet the below listed minimum requirements.
    - a. Each item (according to the property screen in Spillman) shall be packaged separately.
    - b. Each package shall be labeled with a completed Property/Evidence Tag.
    - c. Each possible point of entry to the package shall be sealed and initialed/dated by the person submitting the package in order to reduce possible tampering.
  - 2. Specific Requirements: Refer to Standard 83.2.1.
  - 3. Corrections: Property/evidence that has been incorrectly packaged may not be received by the Evidence Custodian and consumes limited space while it waits for corrections. The rejected item(s) will stay in the storage locker until the correction has been made. Therefore, supervisors should ensure that employees make the required corrections in a timely manner.
- E. **Additional Security Measures:** Refer to Standard 83.2.1 for specific handling requirements and Standard 84.1.2 for security related to the property/evidence function.
- F. **Attempt to Identify and Notify Owners:** It shall be the responsibility of the employee taking custody of any property/evidence to attempt to identify and notify the owner of the item(s) status. If the owner of an item is not listed in the Spillman property screen, the employee shall include information regarding the attempts made to identify the owner in the narrative portion of the case report.
- G. **Release of Property:** Refer to Standards 83.2.1 and 83.3.2 for practices related to the temporary release of property/evidence. Refer to Standard 84.1.7 for practice related to the final release of property/evidence.

#### 84.1.2 Storage and Security

**Principle:** The security measures described below limit access to the property/evidence stored by the Federal Way Police Department.

**Practices:**

- A. **Storage Lockers:** All employees submitting property/evidence to the Property/Evidence Storage Room shall place the item(s) in a storage locker, which locks upon closure, or into the evidence drop box (for small items only). Only the Evidence Custodian or his/her designee may provide access to the item(s) in the locker. Refer to Standard 83.2.1 for specific practices when using drying lockers and when large or bulky items will not fit into a locker. (CALEA Standard 84.1.3)

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08-25-02

09-14-12

03-01-05

08-23-16

**B. Security:****1. Door Locks:**

a. Storage Area: The Property/Evidence Room has separate door locks from the processing area. The room remains locked at all times unless the Evidence Custodian or Evidence Technician is present. This area has restricted access. *Refer to Standard 84.1.4.*

i. Non-authorized persons entering the Property/Evidence Room shall indicate their name, date/time, and reason for entering on a log maintained by the Evidence Custodian.

2. Video Surveillance: Both processing areas (located inside the Police Station and the Property/Evidence Building) and the storage room are monitored by video surveillance. Employees shall not leave property and/or evidence unattended while in either of the processing areas.

3. Alarm System: The entrance to the storage room is alarmed and motion detectors are in place inside the room.

4. Secondary Storage Facility: Inside the permanent storage building there is a secondary storage room for the following items: narcotics, firearms, currency, and counterfeit money.

a. Safe: A safe is located inside the secondary storage room for all currency, counterfeit money, and narcotic training aids.

**C. Bulk Item Storage Area:** Bulk items requiring storage are placed in a storage area that can also accommodate vehicles being held as evidence. This area has restricted access. *See also 83.2.1(D) Large or Bulky Items.*

1. Impounded Vehicles: Vehicles impounded for the collection of evidence from the interior may be placed in a secure garage at a private towing facility. The vehicle shall have each door, the hood, and the trunk/hatchback sealed by the officer impounding it. The garage must have restricted access to tow company personnel and must be alarmed.

**D. Drying Lockers:** Drying lockers are used to dry an item prior to submitting the item into Property/Evidence. *Refer to Standard 83.2.1 for specific practices in using drying lockers.*

**84.1.3 Storage During Non-Business Hours***(Refer to 84.1.2 Storage and Security)***84.1.4 Weapons, Drugs, and Explosives Used For Investigations or Training**

**Principle:** Law enforcement requires handling weapons, drugs, and explosives, and requires these materials are used for training or investigative purposes to meet the needs of the department. There is a responsibility to provide the resources to accomplish training, and materials necessary to carry out thorough, complete investigations while ensuring these dangerous and volatile materials are maintained in a safe, secure, and reasonable manner while accountability is provided.

**Practices:**

**A. Drugs:** All drugs used for either training or investigations will be items which have been booked into Property/Evidence. These items are stored within the Property/Evidence Building (*refer to Standard 84.1.2, Secondary Storage*), and tracking/inventorying of these materials will be maintained within the current Property/Evidence recordkeeping system (*refer to Standard 84.1.5*). Any officer in possession of drugs released to their custody will maintain chain of custody. Drugs associated with an active/open case will not be used for either training or investigations. The control, security and inventory of training aids used by the Narcotics K-9 are outlined in detail *within Standard 41.1.4, Guidelines Specific for Narcotic K-9 Team Operations – Training Aids.*

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04-27-07

08-25-02

09-14-12

03-01-05

08-23-16

**B. Weapons:**

1. Non-Issued Weapons: All non-issued weapons will be maintained within locking safes located inside the Armory. The keys for the safes to access these weapons are kept by the supervisor of the Force Training Unit who will have the responsibility of issuing them to firearms training personnel, as needed. Besides providing an inventory of weapons for issuance to officers, these weapons can also be used for training, as needed. If a weapon is removed from a safe for any reason it will be logged out in either the Long Gun Firearms Tracking Logbook or Pistol Firearms Tracking; also, when a weapon is returned to a safe it will be noted in the appropriate log. These weapons will be inventoried on a biannual basis.
  - a. Any weapon being held in Property/Evidence will not be used for either training or investigations unless converted for use by the department once final disposition has been determined (see 84.1.7(D) *Conversion for Department Use/Auction*). A weapon converted for use by the department will be either a "non-issued weapon" or a "SWAT weapon" and will be stored, handled, and inventoried as such.
2. Special Weapons and Tactics (SWAT): All SWAT weapons are stored within a locked safe inside the SWAT Room at the Federal Way Police Station. Only the SWAT Commander and the SWAT Team Leader have keys to access the safe. The SWAT weapons are completely inventoried bi-annually and if a weapon is removed from the safe for any reason the SWAT Weapons Inventory is updated with the change.

**C. Explosives:**

1. Bomb Disposal Unit (BDU): A supply of explosive materials is kept on hand for training purposes. These materials are kept inside a locked container in the BDU van which is kept inside a locked fence monitored by 24-hour camera surveillance. Only members of the BDU have keys to access both the locked container and the BDU van, and an Explosive Materials Tracking Log is maintained which details materials used, in/out dates, and initials to provide tracking. This supply of explosives material is inventoried on a regular basis as a part of routine training for the BDU.

**84.1.5 Status of Property/Evidence**

**Principle:** The Evidence Custodian maintains a records system that reflects the below listed information:

- Date/time received
- Location of property/evidence in storage
- Records of temporary transfers / chain of custody
- Final disposition of property/evidence
- Character, type and amount of property currently in storage

**84.1.6 Inspections, Inventories, and Audits**

**Principle:** The following schedule of inspections, inventories, and audits of the property/evidence control function shall occur. All personnel conducting any of the described functions shall complete a written report of their findings and forward it directly to the Chief of Police for his/her review and retention.

**Practices:**

- A. **Inspections:** The Civilian Operations Manager or his/her designee shall conduct a semi-annual inspection to determine adherence to practices used for the control of property.

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08-25-02      09-14-12  
03-01-05      08-23-16

- B. Inventories:** Whenever a new Evidence Custodian is appointed, an inventory of property/evidence shall be conducted. The newly designated Evidence Custodian and a designee of the Chief of Police shall conduct the inventory jointly. The inventory shall ensure that records are correct and properly annotated.
- C. Audits:** An internal audit shall be conducted annually. The Chief of Police shall designate an audit team to conduct this audit. No member of the team shall be from within the chain of command for the property/evidence function.
1. Authorization: The audit team shall be authorized by the Chief of Police to perform the following practices:
- a. Open controlled substance packages in the presence of the Evidence Custodian to verify weight/count of contents and if necessary, conduct qualitative analysis of content. These packages are then resealed in the presence of the Evidence Custodian. A notation will be made on the property tag of the inspection, including date opened and person inspecting.
- b. Open packages containing money to verify amounts. The package shall be opened in the presence of the Evidence Custodian and resealed in his/her presence. A notation will be made on the property tag of the inspection, including date opened and person inspecting.
- D. Unannounced Inspections:** Unannounced inspections will be conducted at least once each year. The Administrative Section shall conduct the unannounced inspection. The inspection will include a random comparison of records with physical property to ensure the accuracy of the records.

#### 84.1.7 Final Disposition of Property/Evidence

**Principle:** It is the intent of the Federal Way Police Department to prevent an overload on the property management system and to limit the amount of time an owner is deprived of their property. Therefore the Police Department determines the final disposition of property/evidence within six months after legal requirements have been satisfied. Once final disposition is determined immediate steps will be taken to satisfy one of the final disposition categories.

**Practices:**

- A. Return to Owner:** Property/evidence may be released to the rightful owner once all police use of the property is satisfied and the employee who submitted the property or the officer/detective assigned to the case has approved the release. This does not include property/evidence that has been taken for seizure/forfeiture. The following practices shall apply.
1. Notification: Once an item has been cleared for release by the responsible employee, the Evidence Custodian or his/her designee shall make every reasonable effort to contact the owner and inform the owner when and where the property may be claimed.
- a. A written notice to the owner will be sent to the owner's last known address. The notice shall inform the owner of the disposition that may be made of the property, the location where the property may be claimed, and the time that the owner has to claim the property.
- b. If the property remains unclaimed for a period of not less than 60 days from the date of the written notice to the owner, if known, the property will be considered unclaimed.
- c. Unclaimed property shall be disposed of *according to the provision of RCW Chapter 63.32*.
2. Firearms: It shall be the responsibility of the Evidence Custodian or his/her designee to ensure the person receiving any firearm is not prohibited by law to possess a firearm. The Civilian Operations Manager or his/her designee shall review and approve all requests to release firearms prior to their release.

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08-25-02      09-14-12  
03-01-05      08-23-16

- B. Release to Finder:** Property, except that which is illegal for the finder to possess, shall be released to the finder if the rightful owner is unknown or cannot be located; *PROVIDED the finder has complied with all the duties imposed by RCW Chapter 63.21 and the release has been approved by the Civilian Operations Manager.* The following practices shall apply.
1. When an employee takes custody of found property (valued in excess of \$25.00 dollars) he/she shall:
    - a. Have the finder complete a Found Property Rights Statement form for all money taken or other property the finder wishes to claim.
    - b. Attempt to locate and return the property to the rightful owner.
    - c. If the rightful owner is not located by the end of the shift, the employee shall submit the property to the Property/Evidence Room.
  2. The Evidence Custodian shall:
    - a. Take any additional steps available to identify the rightful owner.
    - b. *Release the property pursuant to RCW Chapter 63.21.*
  3. A City of Federal Way employee that finds or acquires any property covered by RCW Chapter 63.21, while acting within the course of employment, may not claim possession of the property.
  4. Firearms: It shall be the responsibility of the Evidence Custodian or his/her designee to ensure the person receiving any firearm is not prohibited by law to possess a firearm. The Civilian Operations Manager or his/her designee shall review and approve all requests to release firearms prior to their release.
  5. Under \$25.00/No Claimant or Owner: If any found item(s) is valued under \$25.00 **AND** there is no identifiable owner or finder wanting to claim the property it can be destroyed *per RCW 63.32.010.*
- C. Destruction:** The following property, once the final disposition has been determined, shall be designated for destruction. The actual destruction of property shall minimally occur at least once a year.
1. Type of Property:
    - a. Controlled Substances
    - b. Firearms: Unless the firearm is to be converted for department use or for auction, all firearms that are not authorized for release and/or forfeited firearms.
    - c. Miscellaneous Property: The Evidence Custodian or his/her designee may destroy all other property not released or scheduled for conversion.
- D. Conversion for Department Use / Auctioned:** Property/evidence that has been seized and/or forfeited pursuant to applicable laws may be converted for department use or sold at auction. The conversion process is described in the applicable laws provided below. **The Chief of Police must authorize any intended conversion of property for department use or property to be sold at auction.**
- RCW Chapter 69.50
  - RCW Chapter 9.41
  - RCW Chapter 10.105

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- RCW Chapter 46.55

#### 84.1.8 Property Acquired Through Civil Process

**Principle:** The Federal Way Police Department allows the seizure of personal property pursuant to the authority granted in the below listed laws. All seized property shall be submitted to the Evidence/Property Room (except vehicles) *pursuant to Chapter 83 of this Manual*. All police officers shall adhere to the practices provided in this Standard when initiating the seizure process.

- RCW 9.41.098 Firearms Forfeiture
- RCW 69.50.505 Uniform Controlled Substances Act Seizures
- RCW 10.105.010 Property Involved in Felony

**Practices:**

**A. Firearms Forfeiture:** Police officers may seize firearms pursuant to RCW 9.41.098. Officers shall familiarize themselves with this statute.

1. **Seizure:** Police officers often come across firearms during the investigation of possible crimes. When the firearm may be seized pursuant to RCW 9.41.098, the officer should seize the weapon. Whenever an officer seizes a firearm, the officer shall complete the Forfeiture and Seizure Report and provide the notice of seizure.

- a. **Evidence:** If a firearm is taken as evidence and is also eligible for forfeiture, the officer shall complete the Forfeiture and Seizure Report and provide the notice of seizure.

**B. Uniform Controlled Substances Act Seizures:** Police officers may seize currency and personal property pursuant to RCW 69.50.505. Officers shall familiarize themselves with this statute.

1. **Seizure:** Whenever a police officer intends to seize currency or personal property pursuant to RCW 69.50.505, the officer shall first review the facts of the case with the on-duty supervisor. The on-duty supervisor will then contact the SIU Lieutenant, CIS Commander, or other designee in order to obtain approval for the seizure. In situations where sufficient facts support the seizure of currency or property, the investigating officer shall be responsible for taking possession of the property. The officer shall complete the Forfeiture and Seizure Report and perform the service. ***No seizure may occur without prior approval from both the on-duty patrol supervisor and an above described CIS representative.***

- a. **Currency:** When currency that is not considered evidence is seized and submitted to the Property / Evidence Building, the officer submitting the currency shall complete a Currency Inventory Report and place the currency in a heat-sealed plastic package. All monies will be deposited within 24 business hours, unless the officer submitting the evidence indicates the money is not suitable for deposit. Exceptions (not suitable for deposit) would include: biohazard contamination, dye-pack markers, coin collections, further laboratory analysis is required or for other evidentiary purposes (as noted by booking personnel).

- i. The Property / Evidence Custodian shall supply a receipt of deposit with a case number to the assigned detective once the currency has been deposited into the City / State seizure accounts.

**C. Property Involved in Felony:** Only police officers currently assigned to the Criminal Investigations Section (CIS) may seize property *pursuant to RCW 10.105.010*.

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